

# **EXHIBIT 11**

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**From:** [Mark Lezama](#)  
**To:** [Jeffrey Seddon](#)  
**Cc:** [dmoore@potteranderson.com](mailto:dmoore@potteranderson.com); [bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com); [Apple Masimo Service](#); [Knobbe.MasimoDE](#)  
**Subject:** RE: Apple v. Masimo - Request for Discovery-Dispute Conference  
**Date:** Wednesday, July 26, 2023 10:01:17 AM

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Jeff,

I'm following up on my email below. So that we may address Apple's position in our brief and frame the issue appropriately, please confirm Apple's position today, including what deadlines Apple proposes.

**Mark Lezama**

Partner  
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**From:** Mark Lezama

**Sent:** Monday, July 24, 2023 4:56 PM  
**To:** Jeffrey Seddon <JSeddon@desmaraisllp.com>  
**Cc:** dmoore@potteranderson.com; bpalapura@potteranderson.com; Apple Masimo Service <AppleMasimoService@desmaraisllp.com>; Knobbe.MasimoDE <Knobbe.MasimoDE@knobbe.com>  
**Subject:** RE: Apple v. Masimo - Request for Discovery-Dispute Conference

Jeff,

Thanks for your assistance getting the joint motion on file. Apple never responded to our compromise offer on issue 2, the deadline for waiving privilege. But based on Apple's edits to the joint motion, it appears to us (1) Apple agrees that some deadline is appropriate but (2) Apple wants a deadline to disclose the privilege-waiver decision later than August 10 and an even later deadline for production and supplementation of the materials falling within the scope of the waiver. Please confirm Apple's position, including what deadlines Apple proposes, so that we may address Apple's position in our brief.

**Mark Lezama**

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**From:** Mark Lezama <[Mark.Lezama@knobbe.com](mailto:Mark.Lezama@knobbe.com)>  
**Sent:** Monday, July 24, 2023 11:24 AM  
**To:** [dmoore@potteranderson.com](mailto:dmoore@potteranderson.com); [bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)  
**Cc:** Jeffrey Seddon <[JSeddon@desmaraisllp.com](mailto:JSeddon@desmaraisllp.com)>; Apple Masimo Service <[AppleMasimoService@desmaraisllp.com](mailto:AppleMasimoService@desmaraisllp.com)>; Knobbe.MasimoDE <[Knobbe.MasimoDE@knobbe.com](mailto:Knobbe.MasimoDE@knobbe.com)>  
**Subject:** Apple v. Masimo - Request for Discovery-Dispute Conference

David and Bindu,

Jeff Seddon approved the attached request for a discovery-dispute conference Friday evening.  
Please let us know whose signature we may use.

Thanks,

**Mark Lezama**

Partner

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